

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

CONFIDENTIAL

CONFIDENTIAL

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-001-0006

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendant:

JICARILLA APACHE NATION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, Subfile No. CHCV-001-0006, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.
4. The agreed upon elements of the right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, Subfile CHCV-001-0006, are set forth below:

A. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer Files No(s): NONE

Priority: March 24, 1964

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin

Purpose of Use: IRRIGATION

Point of Diversion:

Well: MOUND WELL

Location: X= 1,550,068 feet **Y=** 2,147,199 feet

Well: WILLOW CREEK WELL

Location: X= 1,551,939 feet **Y=** 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>92.5 acres</u>
Total	92.5 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. IRRIGATED LANDS (Groundwater & Surface Water Combined):

Office of the State Engineer Files No(s): 1545 and 1699-A

Priority: December 4, 1922 Surface Water
March 24, 1964 Groundwater

Source of Water: Surface water of Little Willow Creek, a tributary of the Rio Chama, and underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: LITTLE WILLOW CREEK NORTH DITCH

Location: X= 1,552,516 feet Y= 2,144,196 feet

Well: MOUND WELL

Location: X= 1,550,068 feet Y= 2,147,199 feet

Well: WILLOW CREEK WELL

Location: X= 1,551,939 feet Y= 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>181.8 acres</u>
Total	181.8 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

C. NO RIGHT (Surface Water):

Office of the State Engineer Files No(s): NONE

Priority: NONE

Source of Water: UNNAMED DITCH NO.1 (NORTH): Surface water of an unnamed drainage, a tributary of the Rio Chama.

UNNAMED DITCH NO.1 (SOUTH): Surface water of an

unnamed drainage, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: UNNAMED DITCH NO. 1 (NORTH)

Location: X= 1,551,629 feet Y= 2,153,229 feet

Ditch: UNNAMED DITCH NO. 1 (SOUTH)

Location: X= 1,552,313 feet Y= 2,151,959 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of acreage:

Within the Tierra Amarilla Grant

	<u>58.0 acres</u>
Total	58.0 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

Amount of Water: NONE

D. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer Files No(s): 2753 and 0434-B

Amount of Water & Priority:

55.5 acre feet November 28, 1951 (initial filling only)

7.08 acre-feet per annum August 1, 1902

Source of Water: Surface water of an unnamed draw, a tributary of the Rio Chama.

Purpose of Use: STOCKWATERING AND RECREATION

Point of Diversion:

Ditch: UNNAMED DITCH NO. 1 (NORTH)

Location: X= 1,551,629 feet Y= 2,153,229 feet

Ditch: UNNAMED DITCH NO. 1 (SOUTH)

Location: X= 1,552,313 feet Y= 2,151,959 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Tierra Amarilla Grant

Vaughn Pond No. 4

	<u>7.1 acres</u>
Total	7.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

Pond Volume: 62.34 acre-feet

Dam Height: 28 feet above stream bed

E. IRRIGATED LANDS (Groundwater & Surface Water Combined):

Office of the State Engineer Files No(s): 1545 and 1699-A

Priority:	February 2, 1926	Surface Water
	March 24, 1964	Groundwater

Source of Water: Surface water of Little Willow Creek, a tributary of the Rio Chama, and underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: LITTLE WILLOW CREEK NORTH DITCH

Location: X= 1,552,516 feet Y= 2,144,196 feet

Well: MOUND WELL

Location: X= 1,550,068 feet Y= 2,147,199 feet

Well: WILLOW CREEK WELL

Location: X= 1,551,939 feet Y= 2,144,316 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>23.2 acres</u>
Total	23.2 acres


As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0006

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant has no surface or groundwater rights in the Rio Chama Stream System, Village of Chama, Section 7, under Subfile CHCV-001-0006 other than those set forth in this order and other orders entered by this Court in this cause.
6. The entry of this order shall have no effect upon Defendant's claims or water rights of Defendant associated with unlicensed impoundments or domestic uses of water in the Rio Chama Stream System, Village of Chama, Section 7. This order is limited to Defendant's water rights for licensed ponds identified in this order and defendant's surface and groundwater rights for irrigation in the Rio Chama Stream System, Village of Chama, Section 7 under Subfile CHCV-001-0006.
7. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein and in other orders of the Court.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.
9. The phrase "stockwatering and recreation" as used in this order includes but is not limited to use for fish and game.

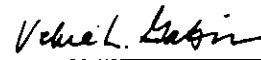
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, for the licensed ponds identified in this order and Defendant's surface and groundwater rights for irrigation under Subfile CHCV-001-0006, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



VICKIE L. GABIN
SPECIAL MASTER

Accepted:



LEVI PESATA
President, Jicarilla Apache Nation

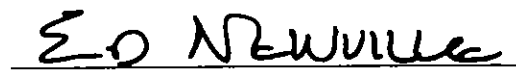


SUSAN G. JORDAN

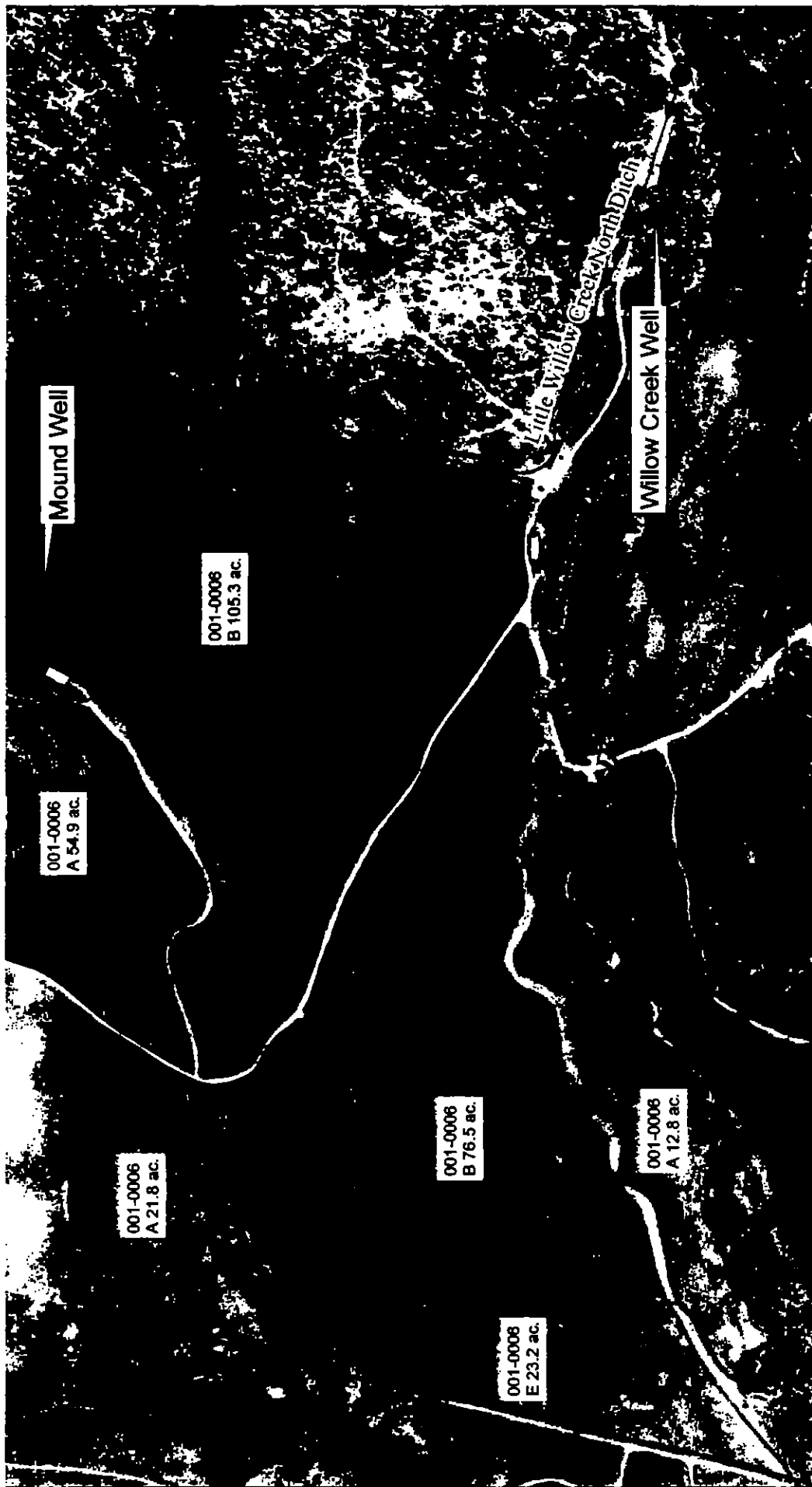
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LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Seeped Land
- Operable Ditch / Lateral
- Inoperable Ditch / Lateral
- Reservoir / Stock Pond
- Point of Diversion
- Fallow
- No Right

N



1 inch = 700 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Village of Chama Section

Subfile Number

CHCV 001-0006

Unnamed Ditches No. 1
(North) & (South), Little
Willow Creek North Ditch,
Mound Well & Willow
Creek Well

AMENDED January 30, 2006

